# REPORT

# OF THE

# EDUCATION ACT TASK FORCE

NOVEMBER, 1987

**EDUCATION ACT TASK FORCE REPORT**
**November, 1987**


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## PART I. INTRODUCTION.

### A. Origins of the Education Act Task Force.

In September of 1986, the Government of the Yukon established a Steering Committee to oversee the development of new legislation for the education of the children of the Yukon. The members of the Steering Committee represent those interest groups and organizations involved in specific aspects of the educational system of the Territory. Specifically, the members of the Steering Committee represent: the Minister of Education; the Yukon Teachers' Association; the Council for Yukon Indians; the Education Council; and, the Department of Education.

Shortly after its creation, the Steering Committee determined a plan to establish a process by which new educational legislation could be prepared. This plan is comprised of five steps, each of which involves input from the public.

The first step involved the preparation of option papers dealing with all educational matters. The option papers were distributed to the public for consideration, debate, and as a starting point for the public to make representations to the Education Act Task Force.

The public meetings held by the Education Act Task Force from the month of April, 1987 until the month of June, 1987, and the preparation of this Report formed the second step in this process of education legislation development. The members of the Education Act Task Force were:

Brian Morris, Task Force Chairman, Jeckell School Committee.
Mary Easterson, Council For Yukon Indians.
Robert Nardi, Education Council.
Marilyn Norby, Council For Yukon Indians.
Paul Nugent, Yukon Teachers' Association. *
Fred Smith, Principals' and Vice-Principals' Association.

(* Due to professional commitments, Paul Nugent was unable to take part in most of the Task Force deliberations during September and October although he provided comments on the various drafts of the Report.)

Upon submission of this Report and other reports to be submitted to the Government of the Yukon, a white paper, to be known as the Plan of Action, which will be prepared by the Minister of Education for public distribution and comment, will set out the Government's proposals for educational legislation. The public release of the Plan of Action will complete the third step of the process.

Upon release of the Plan of Action, members of the public will have two months to comment on the Government's proposal after which time the drafting of a new Education Act will begin. The drafting of the new Act will comprise the fourth step in the process.

The final step in the development of the Education Act will be its tabling in the Legislature in the Fall of 1988.

### B. Mandate of the Education Act Task Force.

The mandate of the Education Act Task Force was to:

(i) investigate and report on the concerns that the people of the Yukon have with the present School Act, whether these concerns are the concerns of a majority or a minority of Yukoners;

(ii) investigate and report on the areas of importance which the present Act does not address; and,

(iii) provide recommendations as to what legislative provisions should be contained in the new Education Act and the reasons for such recommendations.

In providing its report the Task Force was to recognize and acknowledge that cost-effectiveness of recommended changes is an important factor in the implementation of education legislation.

**C. Public Consultation Process and Task Force Report Preparation.**

The Education Act Task Force carried out territory-wide public consultation primarily by way of evening public meetings in fifteen Yukon communities. As well, the Task Force met with those Bands that requested individual meetings. The Task Force sought both the input and the advice of interested individuals and organizations in the public meeting forum and by way of written submission. Prior to the public meeting in each locale, the Task Force was informed by the Community Co-ordinators of some of the issues of importance to each community. As well, the Task Force maintained a record of the educational issues and options raised in a community and collated the number of times each issue or recommendation was raised over the course of all of the public meetings.

Numerous individuals and interest groups presented informative and thoughtful written briefs to the Task Force. These submissions addressed such varied issues as education rights for special needs students; the need for increased School Committee powers; and the need for effective legislative provisions concerning the election of School Committee members.

In preparation for public consultation and the preparation of this Report, the members of the Education Act Task Force familiarized themselves with the recent educational literature and with comparable education legislation throughout the Provinces and the Northwest Territories. As well, the members of the Task Force considered recent legal decisions that defined or considered how certain education issues are affected by legislation such as the *Charter of Rights and Freedoms*, the Young Offenders Act, and the Divorce Act.

**D. General Conclusions of the Education Act Task Force.**

The findings and the recommendations of the Task Force that are found in this Report are not limited to the legislative context. Public input during the Task Force public consultation phase touched on issues of legislation, policy, regulation, delivery of services, and theory. All such matters raised are addressed in this Report.

By and large, a good quality education is presently being provided to the children of the Yukon. There are, however, some clear deficiencies in the Yukon education system. Specifically, these deficiencies are found in the delivery of education, in the environment in which the education of some students takes place, and in certain provisions of the present School Act itself. While there is much good in the present legislation and certain provisions can remain unaltered, the specific recommendations of the Task Force will demonstrate that more than minor adjustments to the present Act are needed. There is a need to structure an Act that will recognize the *present* will of the people of the Yukon, while maintaining the flexibility necessary to respond to differing needs in a developing Yukon society.

Through consultation with parents, students, teachers and principals, the Education Act Task Force has determined that there is a need to remedy deficiencies in the education system in order to provide *all* students of the Yukon with a quality education.

There is also a need for a more participatory role for parents in the education of their children.

The delivery of education to Yukon children may be affected by this legislation for the better part of a generation. Therefore, the new education legislation must be accessible, both in form and language, to all members of the general public.

## PART II. PHILOSOPHY OF EDUCATION.

**Public Comments:**

A concern of many parents who attended the public meetings or who submitted their views in writing, was that there is a need for a defined philosophy of education in the new Education Act. The range of suggestions as to what should be included in such a philosophy was vast. Many parents supported the concept that a right to education for all children must be established in statute law. This right to education, in the view of these parents, must extend to children with special needs and to children with behavioural problems. It was their view that the education with which a child is provided must be appropriate to that child and should encourage each child to strive to maximize his or her potential. Many parents believe that the new Act should ensure that education in the Yukon reflects the traditional and cultural views of the Indian people. As well, many parents stated that the Act should allow for effective parental involvement in the education of their children.

***Task Force Recommendation:***

*Enunciating a philosophy of education to provide a clear value statement as a preamble to the statute would help to ensure consistent statements throughout the legislation and its accompanying regulations. Such a preamble would respond to the concern that the attitude underlying the legislation should be made clear to all. The constituent elements of such a philosophy should include the following:*

- *a) a child's education is first and foremost the responsibility of the parent or guardian;*
- *b) all Yukon children have the right to a quality education;*
- *c) the education provided to a child must be appropriate to the individual learner;*
- *d) the education system must provide students with the necessary cognitive and decision-making skills which will allow them to succeed in the larger society, and must also nurture self-worth and dignity in the individual;*
- *e) the education system should foster an informed awareness in students of the environment in which they live and of the skills and judgment necessary to live as social and co-operative beings;*
- *f) the curriculum offered in the Yukon education system must reflect the milieu of the Yukon including its social, cultural and historical setting;*
- *g) the values, traditions and cultural experience of the Yukon's Indian people are a valued heritage to be shared by all Yukon children through its integration into the curriculum; and,*
- *h) the Education Act must provide mechanisms to ensure parental involvement in the education system.*

## PART II. THE STUDENT.

### A. Compulsory Attendance.

**Public Comments:**

It was a widely stated view that compulsory attendance is necessary to ensure that a student receives a good education. Some individuals believe that compulsory attendance at a public school should be subject to a parent's right to provide an acceptable alternative form of education for his or her child outside the public school system, either in a private school or at home by way of correspondence courses. The only identified drawback to compulsory attendance raised during the public meetings was the effect that students who have behavioural problems and who disrupt the normal classroom situation may have on the education of other students in the public school system.

***Task Force Recommendation:***

*The new Education Act must specify that attendance at school is compulsory. It is the right of a child to be provided with an education and in order to fulfill this right, compulsory attendance is required. It is the belief of the Task Force that compulsory attendance is the keystone to an effective system of education.*

### B. Age of Student Attendance.

**Public Comments:**

Numerous suggestions were provided to the Task Force with respect to the age at which a child should be *allowed* to start school and the age at which a child should be *required* to start school. Some individuals stated that a student should be obliged to start Grade 1 at the age of 6. Others suggested that a student should start school, at the discretion of the student's parents based on their particular knowledge of their child's abilities and maturity, by no later than the age of 7. The suggestions as to the age at which a child could leave school varied from the age of 14 to the age of 19 with many indicating that the present standard of 16 should be maintained in the new Act. It was the recommendation of many individuals that physically or mentally handicapped students and students with learning difficulties should be allowed to stay in the public school system as long as they require to complete their education. As well, such students, it was commented, should be allowed to leave and re-enter the public school system as is necessary in their particular circumstances.

***Task Force Recommendation:***

*The Task Force recommends that where a pre-kindergarten class is available, a child should be permitted to enroll in such a class at the age of 4 at the option of the parents. Where there is a kindergarten class, a child should be permitted to enroll at the age of 5 at the option of the parents. A child should be permitted to enroll in Grade 1 at the age of 6. However, a child should be required to enroll in Grade 1 by no later than the opening day of school in the calendar year in which he or she will attain the age of 7. Presently, the age of 6 is the standard age for children to start Grade 1. The Superintendent should, however, be given the power under the new Education Act to make exceptions for gifted students who are capable of succeeding in Grade 1 at an earlier age than the age of 6. All children, subject to certain defined*

*exceptions, should be obliged to attend school until the age of 16. These recommendations afford parents the responsibility for determining whether the maturity and preparation level of their child is such that enrollment in school is warranted, while establishing a definite age by which the child's right to be provided with an education must be enforced by law.*

**C. Exemptions to Compulsory Attendance.**

**Public Comments:**

There was some discussion concerning section 16(d) of the present School Act that permits the Superintendent to allow a student to leave school at the age of 14 where it is in the best interests of the student to leave and where there is no reasonable hope of the student making more progress in school. This provision is rarely used and in practice is used only in cases where a child is so severely handicapped that further attendance at a public school would not benefit the student. It was commented that such a provision should be considered carefully before being placed in the new Act since a child of 14 who is allowed to leave school is virtually unemployable. The view was expressed that the Education Act should promote education and the ability to join the work force. The fear was expressed that abuse of this provision by students, who believe that there is a way to leave school earlier than the age of 16, might occur. Many believed that an alternative system of education should be developed for students who do not deal well with a typical classroom situation either because of learning or behavioural difficulties.

***Task Force Recommendation:***

*The present exemptions to compulsory attendance, as set out in subsection 28(2) of the School Act, should form part of the new Education Act. Subsection 28(2)deals with both temporary and long-term situations of excused absences from compulsory attendance in the public school system. Examples of such excused absences are illness, religious holidays, and suspension from school. The provision to be found in the new Act should also include recognition of attendance at cultural ceremonies, such as potlatches, as a situation worthy of being classified as an exception to the compulsory attendance provision.*

**D. Truancy.**

**Public Comments:**

Numerous individuals commented that a student's regular school attendance is the responsibility of a student's parents. Many felt that consistent truancy or persistent lateness indicates that a child is *at risk* and should result in a report being made to the Department of Health and Human Resources. Some individuals felt that truancy is the responsibility of both the parents and the student.

Public comment was made that truancy is a problem to be dealt with *immediately* and backed up by effective remedial procedures. In addition, it was stated that the issue of truancy must be dealt with in the younger grades.

Some individuals felt that truancy offences should result in significantly higher fines than are presently given. The suggested fine was $250.00. Very few individuals thought that fines should be eliminated or increased and it was commented that truancy is a counselling problem and a fine should only be imposed in severe cases.

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**: Force Recommendation:**

*ncy is a problem that the educational authorities must recognize and with which they t deal. A consistent early enforcement of compulsory attendance must be adhered to by ıidual school authorities and supported by senior Departmental authorities such as the onal Superintendent and the Superintendent of Public Schools. It is the responsibility of school authorities, the parent, and the Department of Education to determine the cause of ruancy. Truancy does not necessarily mean that there is parental neglect. Truancy could ed be an indication of conflict between the child and the educational system. As such, the em must deal with the situation.*

*lent truancy is a problem that is most appropriately dealt with by counselling to determine root cause of the student's failure to attend school. Counselling will hopefully aid in the stablishment of a pattern of regular and conscientious attendance. Such counselling uld involve the parents, the individual school authorities, the Department of Education, , if necessary, outside agencies such as the Department of Health and Human Resources.*

*ounselling of the student and his or her parents by the Department of Education and the artment of Health and Human Resources is unsuccessful and truancy on the part of the lent continues, the matter should be referred to the Territorial Court system for action. The imum fine for failure to ensure that a child attends school regularly should be raised to 0.00 from the present level of $25.00. As well, the present provisions in the School Act cerning posting of bonds, fines for subsequent truancy offences, and imprisonment of ents in breach of court orders should be retained. However, the appropriate response in st cases should be enforcement of the Act.*

*: also of fundamental importance that a Department of Education official be designated as a ancy Officer and that this Officer's responsibilities be clearly defined.*

**Alternate Education.**

**blic Comments:**

**hough there are definite social and economic advantages to a public school education, there numerous valid reasons for which a parent may wish or may be required to educate a child side of the public school system. A student may live so far from a public school that daily endance would be impossible. A parent may wish to have a child instructed in a private ool or in an Indian controlled school according to certain religious or cultural beliefs. A ent may believe that he or she can provide a better more individualized education for a child ome.**

**ncern was expressed in some communities that a positive right to educate ones child at home n a private school must be tempered by certain conditions to ensure that the best interests of child prevail. Specifically, the opinion was expressed that alternate education systems uld be allowed to operate as long as a certain standard of education is enforced by the partment of Education. Such enforcement would ensure that children educated outside of the blic school system would receive an adequate education. Such schools, it was suggested, uld also be subject to the supervision of a Department of Education employee whose job it uld be to ensure on a regular basis that children attending private or home schools were ng adequately educated.**

**Department of Education employee would test such students for their acquired skills and not rely for their information recall. As well, provision of technical assistance and support to chers in private or home schools by the Department of Education was suggested. The need regular testing of basic skills of private or home school students either at home, at their vate school, or at the nearest public school, was insisted upon by some individuals. Others**

felt that there is no need for testing home school students in particular or, if there is a need, that such testing should be conducted by the child's parent-teacher. The concern was also expressed that tests of basic skills evaluate students up to the Grade 8 level only and, therefore, leave high school students who are not taught in the public school system with no further record of acquired skills.

***Task Force Recommendation:***

*It is the recommendation of the Task Force that the new Education Act include a positive statement that recognizes a parent's or a guardian's right to provide a child with an education at home or in a private or alternate school. Recognition of this right should be subject to the following provisions:*

- *(i) the core curriculum to be taught either at the child's home or in a private school must be approved by the Department of Education;*
- *(ii) all non-public school instruction of students is to be monitored by the Department of Education;*
- *(iii) private school students and students instructed at home shall be required to participate in standardized testing identical in form and frequency to that administered to students in the public school system; and*
- *(iv) private school students or students instructed at home shall be tested at a time and in a location to be prescribed by regulation; the Department of Education should maintain a record of test results for students in non-public school systems.*

*As well, if the Department of Education should determine after testing students in non-public school systems and after examining the curriculum offered in such systems that the education delivered is unsatisfactory, corrective action should be recommended to parent-teachers or to the administration of the school in which such students are enrolled. If corrective action is not taken, the Superintendent should be empowered to invoke the provision under the Act that requires compulsory attendance in a public school. If such a student is not placed in the public school system, the truancy provisions of the Act would be relied upon by the Department of Education to determine the outcome of the student's educational placement. Technical advice, such as commentary on textbooks, classroom materials, and testing techniques, should, subject to the regulations, be provided by the Department of Education to alternate schools or to the parents of students attending alternate schools, upon request.*

**F. Correspondence Courses.**

**Public Comments:**

Notwithstanding the poor success record of many students enrolled in correspondence courses, parents and educators agree that correspondence courses are a necessary and appropriate course alternative or program enhancement in certain circumstances.

***Task Force Recommendation:***

*It is the recommendation of the Task Force that the new Education Act should state that correspondence courses shall be offered as an alternative to public school education in order to ensure equality of access to and opportunity for education to all students in the Yukon where:*

- *(i) a student is unable to attend a public school due to a long term disability or due to residing an extreme distance from a public school;*

*(ii) a student requires a course that is not offered at a school; or*

*(iii) the Superintendent determines that circumstances warrant.*

*Regulations passed pursuant to legislative provisions concerning correspondence courses should state that the cost of correspondence courses and texts will be provided for by the Department of Education to any school age student enrolled in an approved correspondence education program. In recognition of past failure rates and problems inherent in correspondence coursework, attention is required to improve delivery of services. In particular, there is a need for:*

*(i) avenues to speed the turn-around time for correspondence course progress evaluation and the marking of assignments; and,*

*(ii) regular testing of students on a correspondence course program to ensure that they are attaining an acceptable level of academic achievement.*

*The Department of Education should fund students who take correspondence courses necessary to their program of studies, as determined by regulation, in order to ensure equality of access to and opportunity for education to all students in the Yukon.*

**G. Duties of Students.**

***Task Force Recommendation:***

*It is the recommendation of the Task Force that the provision of the School Act that outlines the duties of a student should be included in the new Education Act. Specifically, the duties of a student should be as follows:*

*(i) to attend school regularly as may be required by the Act;*

*(ii) to arrive punctually for each session of school;*

*(iii) to observe the rules of the school;*

*(iv) to pursue in a diligent manner the courses of instruction and to carry out such activities as may be required by a teacher;*

*(v) to return any school books or apparatus on loan when required by a teacher or principal; and,*

*(vi) to refrain from damaging or mutilating any school property.*

**H. Discipline of Students.**

**Public Comments:**

Significant public input was received on the issue of student discipline. In some instances, the question of how discipline should be administered elicited emotional responses. The public consensus, however, supported the retention of suspension, dismissal and discretionary discipline. In the case of student suspension, changes were requested in the roles of parents and school committees. Discipline, it was felt, should be left to teachers and parents to arrive at an

agreeable decision. Parents and teachers should work together in discipline situations in order to prevent a student from playing one against the other. It was suggested as well that an assessment or an analysis of a student's problems should be required before a decision is made as to the manner in which a student is to be disciplined. The comment was also made that students should be more involved in setting the discipline code of the school that they attend. The discussion of corporal punishment yielded no clear consensus among parents. The number of parents who favoured banning corporal punishment was almost equally matched by those who supported retention. However, among those who did support retention of corporal punishment, virtually all wanted the policy which allows parents to opt out of such punishment for their own children to continue. If corporal punishment is to be retained as a discipline option, school committees were supported as the logical decision-making body for the determination of instances when corporal punishment should be used.

***Task Force Recommendation:***

*The new Education Act should reflect the view that the method in which a student is disciplined should be directly related to the severity of the inappropriate behaviour exhibited.*

*With respect to corporal punishment, the Task Force recommends, on the basis of feedback from parents, professional judgments as to its effectiveness, and reports and recommendations from other jurisdictions, that under no circumstances should physical punishment be administered to a student. The Task Force has concluded that corporal punishment is an inappropriate method of discipline and recommends its abolition. There is no compelling evidence of the effectiveness of corporal punishment. It has been suggested that corporal punishment is most successful when administered to the younger student, the same age group which responds most favourably to alternative forms of discipline. Corporal punishment may be viewed as physical abuse which arguably reinforces a perception that physical violence is an appropriate response to matters of disagreement. As well, under the provisions of the present system corporal punishment is unfair in its application. Children whose parents do not object to the administration of corporal punishment may receive such punishment, whereas children whose parents object to the administration of corporal punishment do not. Even if a School Committee approves of the use of corporal punishment, a Principal is not obliged to administer corporal punishment if he or she disagrees with the use of such a form of discipline. Corporal punishment is presently administered in only a very small percentage of disciplinary situations and there is no reason to believe that an increase in disciplinary problems will result from its abolition.*

*Inappropriate behaviour by a student can in most cases be treated in one of three ways. From the least severe discipline situation to the most severe discipline situation, a student should be dealt with as described below.*

*(i)* ***Discretionary discipline:*** *Rules to deal with minor discipline problems should be established by the Principal, in consultation with the staff, and ratified by the School Committee. Examples of discretionary discipline are: detention, community service and in-school suspension.*

*(ii)* ***Dismissal:*** *For more serious discipline problems, a student may be dismissed from school and sent home with a letter and/or a follow-up telephone call to the parents. This letter would request that the parents meet with the Principal as soon as possible after the dismissal to discuss the child's actions, but no later than 2 days from the time of dismissal. If the parents do not respond to this request within the two days specified and fail to resolve the situation, the child would be suspended.*

*(iii)* ***Suspension:*** *For the most serious discipline problems, a Principal should have the option under the new Education Act of imposing either a "short term" suspension or an "indefinite" suspension. A student receiving a short term suspension would be prohibited from attending school from 3-10 school days. A student receiving an indefinite suspension would be prohibited from attending school until the beginning of the next semester or school year.*

*Either a "short term" or an "indefinite" suspension would be imposed, according to the circumstances of each situation, where a pupil:*

*(i) is persistently truant (in order to bring such behaviour to the attention of the appropriate authorities and to force a resolution of the matter);*

*(ii) persistently disobeys school rules;*

*(iii) willfully disobeys the Principal or a teacher; or*

*(iv) behaves in a manner that has a serious harmful effect on the character or person of other pupils.*

*In the event that a student is suspended, the principal should report firstly to the parents or guardians of the suspended student stating the reasons for the suspension, and should then forward copies of this letter to the Regional Superintendent and to the Chairperson of the School Committee. This recommendation would reverse the present reporting relationship and would replace it with a reporting system that demonstrates the importance of the parents' involvement in a serious discipline situation.*

*The appeal process for "short term" and "indefinite" suspensions should be as follows:*

*(i) **Short term:** Upon suspension of a student by the Principal for an infraction such as fighting, theft, or insubordination, an appeal could be heard by the School Committee or in the event that a school does not have a School Committee, the Regional Superintendent could hear such an appeal; or*

*(ii) **Indefinite:** Upon suspension of a student by the Principal for an infraction such as a major behavioural breach or for repetitive bad behaviour, an appeal could be heard by the School Committee and the Regional Superintendent.*

*The limit for filing a written notice of appeal should be 10 days for both "short term" and "indefinite" suspensions. The purpose of providing a limited time in which to appeal a suspension is to ensure that, if indeed a student has been suspended unjustly, he or she is returned to school as soon as possible so to best facilitate the student's completion of the school year.*

**I. Student Vandalism.**

**Public Comments:**

A common comment made by parents was that parents should be responsible for the cost of repairs to school property if damage to school property is caused by their child. As well, it was suggested that a school should be allowed to make the student do minor repairs to the school to defray the costs of the damage. A majority of those individuals who commented felt that the cost of vandalism repairs should not be deducted from a student body's activity budget.

***Task Force Recommendation:***

*The recommendation of the Task Force is that the present provision of the School Act regarding student vandalism should form a provision of the new Education Act. Section 33 of the School Act states that, "where any pupil wilfully mutilates, destroys, or without permission removes any school property, the parent of such pupil shall be liable for such damages".*

**J. Student Accommodation.**

**Public Comments:**

The question of a parent's *eligibility* to receive an accommodation subsidy while his or her child attends school in a community other than the child's home community was an issue of importance to rural parents. As well, many parents suggested that supervised group homes or dormitory accommodation for high school students in rural communities should be established. Group homes for students from particular communities, it was suggested, would provide support and continuity in the lives of these rural students in Whitehorse or in other rural communities with high schools. Concerns were also expressed regarding the criteria for subsidy eligibility, the cost to parents of student accommodation, the type of accommodation facility, and the supervision of students in residence or in group homes.

***Task Force Recommendation:***

*The Task Force concluded that the following subsidy and accommodation eligibility criteria for student attendance in Whitehorse or in another Yukon community would be appropriate:*

*(i) the student is a Yukon resident; and*

*(ii) the grade or program or senior matriculation required by a student is not offered in the student's home community.*

*Such a student's parents should be eligible to receive the accommodation subsidy in an amount established by regulation. Other students with special circumstances, including those students from northern British Columbia, could be accommodated, if room was available, at the discretion of the Superintendent.*

*If a student decides to attend school in Whitehorse or in another community of which he or she is not a resident, without having met the above criteria, the student will be eligible for accommodation, if space is available, after the requirements of eligible students have been met. The student's parents must pay the full cost of that accommodation. Although the view was expressed by some parents that a student should have the option of attending school in Whitehorse with subsidization regardless of local course offerings, such subsidization would be at cross purposes with local course delivery and development.*

*With respect to the type of accommodation to be provided to students in Whitehorse, the Task Force recommends that a larger residence and group homes for rural students who would like to stay together should be provided. Group homes for rural students could be modeled after Department of Health and Human Resources group homes. If a larger residence or group homes are provided, there will be a need for an increase in supervisory staff. Accommodation for students who leave their home communities in order to attend high school in rural communities such as Haines Junction could be provided by group homes which could be acquired through the private sector or through government agencies.*

*With respect to the operation and supervision of student residences, it is the recommendation of the Task Force that the present Dormitory Committee of the St. Elias Residence should be legitimized by recognition in the new Education Act. As well an appeal mechanism should be established for those individuals who would like to appeal a decision of the dormitory committee. It is important to note that a student's suspension from use of the student dormitory may effectively result in a student's withdrawal from school.*

*Supervision of students should be provided in the dormitory during long weekends so that those students who cannot return home, such as students from Old Crow, will not find themselves without a place to stay. Presently, the St. Elias residence is closed for long weekends and students who do not return to their home communities must find alternate accommodation.*

## PART IV. CURRICULUM.

### A. Core and Local Curriculum.

**Public Comments:**

The view was expressed that the curriculum offered to students must be more relevant to the Yukon and teaching methodologies must be more relevant to Native students. However, it was also stated that an educational standard competitive with the standards maintained in the Provinces must also be maintained in the Yukon so that students can gain entrance to any educational institution in Canada for further education. It was suggested that the present Yukon curriculum should be modified to increase the interest of more students by developing local units and integrating them into the B.C. curriculum. The point was made that school must also be interesting and relevant to those students who do not intend to continue their studies after high school.

***Task Force Recommendation:***

*The same basic core curriculum must be taught in all Yukon schools. It is essential to ensure that the practical value of a Yukon education is maintained, particularly in terms of personal and social development, future employability, and access to advanced educational opportunities. The core curriculum should reflect the distinct cultural perspectives of the Yukon and should reflect current, historical and local territorial circumstances. Incorporation of the Yukon's historical and cultural setting and experience will not only enrich course material, but will enhance understanding and appreciation through the use of familiar imagery and experience. These goals may be achieved by implementation of the following:*

*(i) uniform standards in the curriculum of the Yukon for the purposes of transferability of courses to other public schools in Canada and to ensure student access to post-secondary institutions;*

*(ii) where appropriate, core courses in the curriculum used in Yukon schools revised and adapted to reflect Indian cultural content, values and belief systems at all grade levels, including high school; in this way Indian content can be integrated into the curriculum for all students and can be assured by the development of formal processes for Indian involvement in course adaptation; and,*

*(iii) sufficient financial and personnel resources are made available by the Department of Education for the development of local curriculum units.*

### B. Special Needs Education.

**Public Comments:**

Special needs education is an important issue addressed by many written and oral submissions to the Task Force. The vast majority of individuals who commented on the issue of special needs education stated their belief that children have a right to an education that is appropriate to the individual learner. It was also suggested that the provision of an education appropriate to each student will lessen the long-term financial and social costs of better preparing disabled individuals for employment.

The need for local access to early and reliable services for the assessment of learning disabilities was also strongly recommended. Assessment, program, re-evaluation and placement services must be provided in order to ensure that the needs of special children are well met. Furthermore, there is also a need to recognize the right of parents to be involved in the decision-making process concerning a child's assessment, programming and placement. Parents should be allowed to be actively involved with their child's teachers and with their child's school. There is also a need, it was stated, for an effective appeal process whereby parents would be able to appeal decisions concerning the placement and programming of their child to a board of informed and unbiased individuals.

It was commented that there is a need for more special education teachers, assistants and specialists in the public school system. As well, adequate training for these individuals is required.

The absence of an upper age limit by which special needs students must complete their public school education, it was suggested, would certainly benefit individuals with delayed intellectual development but who are continuing to progress and learn in the school system.

A concern was also expressed by some individuals that there is a need for more inter-departmental and inter-agency co-ordination in meeting the needs of special needs students.

Special needs education, it was commented, includes the education of gifted students. Provision for special needs students should also ensure that Challenge Programs are provided. Capable students should not be taken out of a class and taught separately from the other students. All children should be challenged otherwise their ability to learn may plateau at the level at which they are taught.

***Task Force Recommendation:***

*All Yukon children, including those with special needs, have a right to a quality education. The special needs of an individual student in no way prejudice this right. The category of special needs students includes those students with learning, physical and emotional disabilities, as well as those children with special gifts. The following principles should be included in either the new Education Act or in the policy emanating therefrom:*

*(i) all children of the Yukon have a right to a quality education and this right must be enshrined in the new Education Act;*

*(ii) wherever possible, students with special needs should be integrated into regular classrooms;*

*(iii) school budgets for special service support staff should be allocated by the Department or by a School Board, as described below, on the basis of demonstrated need and not on the basis of school population;*

*(iv) the mainstreaming of students places additional demands on classroom teachers; adequate early assessment, programming and placement services for special needs children are required to ensure that their special needs are met and not at the cost of teacher attention to students without special needs; additional funding for such services must be provided;*

*(v) whenever possible and appropriate, services to a child with special needs should be delivered in the child's home community;*

*(vi) guidelines, such as the Individual Education Program (I.E.P.) incorporated into the Northwest Territories guidelines for Special Needs Education, should be established in the Yukon; and,*

*(vii) there is a need for the new Education Act to include a procedure for parents to appeal any decision made concerning the assessment, programming or placement of their special needs child.*

**C. Special Programs: Alternative Education.**

**Public Comments:**

A variety of special programs to be taught before the Grade 10 level, such as lifeskills and outdoor-environmental programs, were proposed or supported by parents, Bands, and educators. However, concern was also expressed with respect to the appropriateness of increasing course demands during an already very limited school day. As well, many individuals claimed that there is a need for vocational programs for students who, for discipline, behavioural, or learning disability reasons, do not fit into the academic mainstream. Such vocational programs, it was suggested, would focus on the basic strengths of these students; basic academics; and, on what these students enjoy in a learning situation with a particular focus on dealing with each student's individual needs.

***Task Force Recommendation:***

*The introduction of special programs such as life skills, survival skills, outdoor education and sex education should be decided by the School Committee/Society in consultation with the Principal.*

*The Department of Education should consider the establishment of alternate school settings that provide comparable hours of instruction for students who either cannot deal with the normal classroom situation or for students who are incarcerated and who presently receive no more than two and one half hours a day of classroom instruction.*

**D. Instruction of French Language.**

**Public Comments:**

A major concern expressed by those commenting on the issue of French language instruction was that of the qualifications of immersion instructors. Specifically, parents expressed their concern that in French immersion programs only qualified French immersion instructors should be hired. The instruction of a second language in an immersion program or in a core course should not be assigned to an instructor who is neither qualified nor experienced in immersion teaching. If qualified immersion instructors cannot be found to teach in the Yukon public school system, the Department of Education, it was suggested, must offer training during the summer for those teachers who are teaching immersion classes but who do not have the necessary training in teaching French immersion.

Parents were also concerned that core French language courses should start at the earliest possible grade within the public school system. Parents recognized the need for French language instruction because of its national importance. French language instruction should, it was commented, commence at the Grade 1 level where it would be more effective for students learning a second language.

***Task Force Recommendation:***

*Section 115 of the School Act states that all schools shall be taught in the English language but the Superintendent may permit any class or course to be taught in another language in any school. As section 115 can be seen to contravene the provision of the Charter of Rights and Freedoms that guarantees, subject to certain prerequisites, French first language instruction in the public schools, a similar section should not form part of the new Education Act.*

*In response to the concerns and desires expressed by parents regarding the instruction of the French language, and in recognition of the importance of the French language in the history of Canada and in present day Canada, the policies developed under the new Education Act should reflect the following principles:*

*(i) qualified immersion French language instructors should be hired;*

*(ii) teachers lacking specific training in immersion instruction should pursue additional coursework in order to achieve the required standards of the position;*

*(iii) where requested by a School Committee or by a School Society, as described below, French language instruction may be provided earlier than Grade 5;*

*(iv) in rural communities, where enrollment numbers do not warrant a full-time French language instructor, other teaching methods such as distance education classes should be considered; and,*

*(v) special French language classes should be offered in high school to those students who have not had the opportunity to acquire the necessary prerequisites.*

**E. Instruction of Native Languages.**

**Public Comments:**

It is important for Native language instruction to continue in the Yukon public school system. Many parents commented that the cultural value of Native languages should be recognized and protected by law. A few parents thought that the Band should be obliged to take over Native language instruction on an after school basis for students who had completed Grade 4 Native language instruction in the public school system. As well, it was recommended that the quality of such courses and the time devoted to the instruction of Native language should be increased. Specifically, materials comparable to those provided for French instruction should be developed and provided to Native language instructors and students. However, scheduling of Native language classes must be done with care. Such courses should not be scheduled at the same time as French classes thus placing the study of these languages in a competitive situation. Children should have the option of studying both French and Native languages.

The importance of introducing children to Native language instruction when they are young was also mentioned by many parents. The optimal grade level for introduction to Native language, according to these parents, would be at either the pre-school or kindergarten level. Native language courses should be offered in grades higher than Grade 6 and preferably to the Grade 12 level as Native language courses are recognized as second language course requirements by many universities. Further options that were suggested for Native language instruction were: Native language immersion or instruction of a core course, such as Social Studies, in a Native language.

***Task Force Recommendation:***

*It is recognized that Native language is an integral part of Native culture. It is a vehicle of cultural expression and transmission. Native language programs and courses should continue in the school system to support their preservation and revival. Native language should then be accorded recognition in the public school curriculum on request, in a manner prescribed by regulation. The policies developed under the new Education Act concerning the instruction of Native languages should ensure that:*

*(i) there are opportunities for Native language immersion classes;*

*(ii) the need for the development of more core and supplementary Native language curriculum is addressed;*

*(iii) additional classroom instruction time at the elementary level is provided;*

*(iv) where numbers warrant, there is Native language instruction from K-12, where requested;*

*(v) Native language courses are recognized as accredited second language courses;*

*(vi) French and Native language instruction is, wherever possible, scheduled so that the programs are not mutually exclusive;*

*(vii) elders are recognized as qualified Native language instructors and/or resource persons;*

*(viii) English as a Second Language courses are provided to Native students who require them;*

*(ix) ongoing accredited training for Native language instructors is available; and,*

*(x) Native language instructors receive benefits and are paid at parity with other para-professionals; the Department of Education must develop a grid benefit package for such instructors based on their seniority and qualifications.*

**F. Religious Education.**

**Public Comments:**

With respect to the provision in the School Act that permits the Superintendent to direct that a Territorial School shall be opened with the Lord's Prayer, the majority of those expressing opinions on this issue stated that religion is not the responsibility of the public school system. A minority stated that the status quo should be maintained or improved upon. However, the suggestion was also made that perhaps comparative religion courses offered in the public school system would go far in eliminating prejudice.

***Task Force Recommendation:***

*Religious belief is a matter of personal conviction and should be addressed in the home, in the extra-curricular classroom, or through enrollment of the child in a separate school established to ensure instruction in a particular belief.*

*Prayer in the classroom amounts to instruction by example, and recognition of a particular religious belief in the classroom is therefore considered inappropriate.*

*The provision of the present School Act concerning religious instruction should be retained in the new Education Act for children in separate schools only. Specifically, section 34 of the present School Act provides that religious instruction may be given to children in school during the first half hour of each school day or during such other period as the Commissioner may prescribe. However, a child with the written approval of his or her parent may leave the class during the time devoted to religious instruction.*

## PART V. GENERAL PROVISIONS OF THE ACT.

### A. Length and Flexibility of the School Year.

**Public Comments:**

The length of the present school year was not a matter of great concern in any community. However, there was a concern expressed by many as to who should decide when the school year starts and ends. Parents want their children to receive the most out of the school year. Many felt that the school year is not being put to its best possible use when children are kept in school during the month of June when their powers of concentration are not at their greatest due to the length of the days and the improved weather. The suggestions as to how this situation could be remedied were numerous and varied:

- the date on which school starts and ends could be a community decision;
- the Education Act could legislate the number of hours, not days, that a student must attend school during the school year; the use of these hours would be decided locally and would provide more flexibility to the communities to fit their activities into the school year;
- the school year could remain the same in all communities (different school years on a community by community basis would present a problem for students who change schools during the school year);
- the community could decide, by mutual agreement of the principal, staff, and school committee, when the school year starts and ends as long as the number of days and hours required by the Education Act are met;
- the last two weeks of the school year in June could be redistributed throughout the rest of the school year so that students could be let out of school in the first week of June;
- the school year could start in mid-August and end in mid-June so that students are not distracted from their work by the good weather in late June; and,
- the school year could be shortened by one month by adding 10-30 minutes to the school day and by decreasing the number of holidays.

***Task Force Recommendation:***

*The determination of when the school year should start and end should be a local decision. The length of the school year should be maintained at its present length of 190 days. It is the recommendation of the Task Force that of these 190 school days, 3 days should be professional development days and 2 days should be administrative days. The School Committee/Society should be required to approve the designation of certain school days as either professional development or administrative days. As well, the School Committee/Society should determine the length of non-statutory holidays such as the Spring Break and the Christmas holidays.*

*A School Committee, a School Society or a School Board should determine, after consultation with the principal and the Regional Superintendent or the District Superintendent, the starting date and closing date of the school year as long as the number of school days required by the Education Act is met. A School Committee or a School Society should be required to notify the Regional Superintendent or the District Superintendent of the school's choice of school year at least 8 months prior to the beginning of the next school year. In districts with more than one school, a common school year should be decided upon, due to busing problems and*

*requirements for staff orientation. The establishment of a common school year could be accomplished in communities where there is no School Board, but where there are two or more schools, by a consultation process between all School Committees and School Societies in the community and the Regional Superintendents.*

**B. Length of the School Day.**

**Public Comments:**

Many parents felt that, for numerous different reasons, the school day should be lengthened in order to:

- provide more time for Native curriculum;
- provide students with a longer summer vacation and parents with an opportunity to spend more time with their children;
- provide for extra programs, updating or challenge programs;
- ensure that Canadians can compete with individuals from other countries where students are required to attend school many more hours a year than are Canadian students.

In response to these suggestions, some individuals stated that the length of the school day must be linked directly to the length of the attention span of the students involved. The amount of productive work time of which a child is capable during the school day must be considered. These individuals suggested that the length of the present school day should be retained.

***Task Force Recommendation:***

*The length of the school day should be a minimum of 5 hours in length and could be increased to a maximum of 5 1/2 hours in length, with the exception of Grade 1 which could be 4 1/2 -5 hours in length. This recommendation will provide an additional half hour to each school day to be used at the discretion of the school in the best instructional manner it sees fit. This additional half hour would form part of the school day and would <u>not</u> be considered as time added to the school day which would permit schools to end their school year at an earlier date than was scheduled.*

**C. Patriotic Exercises in the Public Schools.**

**Public Comments:**

Very few comments were made concerning the issue of patriotic exercises in the public school system. A preference for more patriotism in the school system was expressed. As well, it was recommended that teachers with objections to participation in patriotic exercises should also be protected by the new Education Act. Determination of when or if patriotic exercises will take place, it was commented, should be the decision of the School Committee of each school.

***Task Force Recommendation:***

*It is the recommendation of the Task Force that the determination of when and if patriotic exercises shall take place should be the decision of the School Committee or the School Society of each school.*

## PART VI. PARENTS'/PUBLIC'S ROLE IN EDUCATION.

### A. The Institutional Framework of Public Participation in Education.

**Public Comments:**

Throughout the Task Force public hearings a similar point of view was expressed again and again in many communities. This view was that the new Education Act should grant more local control over the education of children. The current perception that the school itself is an institution solely owned and operated by a distant authority lacking accountability at the community level must be changed. There is a need, it was stated, for those individuals in authority to understand the perception of the school held by individuals who live in rural communities. It is important to recognize that the school and its programs in many small communities are integral parts of the community fabric; the school, they believe, belongs to the community. Concerned people in every community recognize the need for a central authority such as the Department of Education. However, greater control over the use of the school structure and over the programs offered should be available to locally accountable authorities. Many residents of the Yukon want to contribute to the decisions that determine the manner in which the school in their community is run. They have requested involvement in matters such as the development of local and cultural curriculum; the hiring of teachers and principals; the determination of the starting and closing dates of the school year; and, the community use of the school building and equipment when not being used for instructional purposes.

Some individuals stated that the new Education Act should also provide for the establishment of elected School Boards or should include a design for advancement towards School Boards over a 3-5 year term. The suggestions as to the kinds of School Boards that should be established included: community School Boards; regional School Boards; a rural School Board *and* a Whitehorse School Board; a Whitehorse School Board; a Territorial School Board; and no School Boards at all. A concern was also expressed that the people of the Yukon require more information as to "what a School Board can do" before a decision for or against School Boards can be made. The suggestion of a number of individuals was that a Territorial School Board should be established, and that School Committees should be retained as advisory bodies. A Territorial School Board, it was suggested, should have a rural component in order to ensure the representation of rural Yukoners. The concern that was raised by individuals who did not support multiple School Boards in the Yukon was that of the ability of small communities to take on the full fiscal responsibility of such an endeavour. Rural communities, it was stated, may not have the kind of experienced personnel necessary to operate a School Board. As well, the issue of representation of Native and French interests on such a School Board was raised.

Note: Options designed to address the issue of Native participation on decision-making authorities within the education system were discussed extensively by the Task Force members. However, no consensus beyond the recommendation to develop a Native Education Centre was achieved.

Two members of the Task Force supported the designation of two seats on each School Committee and School Society as appointed positions for Native parents, with full voting rights, for a period of 10 to 15 years. Alternatively, these members proposed the development of Local Indian Education Authorities, appointed by the Bands, with responsibilities and powers equal to the School Committees or School Societies. Decisions affecting the school would be made jointly. These two members of the Task Force support guaranteed representation because they feel that Native people are not fairly represented on School Committees. The sunset clause which would grant guaranteed representation for a period of 10 to 15 years was suggested in order to allow time for Native people to raise their level of awareness of the education system and to allow them to have a voice in the education of their children.

Three Task Force members were of the opinion that guaranteed representation conflicts with the concept of democratically elected School Committees or School Societies. These members

also felt that the establishment of two parental education authorities at each school, with equal powers, would fragment the structure of parental representation and impede the decision-making process. While all Task Force members share the view that Native parent participation in the education of their children is essential, these members believe that the solution lies in training and development, which would fall within the jurisdiction of the Native Education Centre described in Part VI.

***Task Force Recommendation:***

*As a result of the conflicting desires of the people of the Yukon as to how more local control over education can be established, the Task Force recommends the creation of an institutional framework that will allow each community, subject to certain conditions, to determine the degree of its involvement in the education received by its children. Specifically, the Task Force recommends that the Education Act should allow communities the opportunity to progress through three different levels of control over education. These levels would progress from the School Committee level with the least amount of authority to the School Society level with wider local authority, and finally to the School Board level with the greatest degree of local control. However, under no circumstances would an increase in authority be imposed or forced upon any jurisdiction. The Task Force recognizes that in many, if not all cases, local demands for increased authority will be met by granting additional School Committee powers, and by the development of the School Society concept. Nonetheless, since the new Education Act will, if judged by the lifespan of previous enactments, be with us for nearly a generation, a path to responsible development is required.*

***(i) The School Committee Model:***

*The first level of local authority would remain the present School Committee. However, School Committees would be granted additional powers to answer the request for more local input and control of education. With respect to the form and operation of School Committees, it is the recommendation of the Task Force that:*

- *(a) School Committees should have a minimum elected membership of 5;*
- *(b) increases to the minimum School Committee membership should be determined by a formula based on the size of the school population as of the first month of the school year;*
- *(c) an individual should be able to sit on only one School Committee at a time;*
- *(d) there should be only one School Committee per school;*
- *(e) members of a School Committee should elect a Chairperson for the Committee;*
- *(f) a School Committee Chairperson should not be allowed to serve more than two consecutive terms;*
- *(g) School Committee members should be paid an honorarium for their attendance at School Committee meetings, the amount of which would be established by regulation; and,*
- *(h) School Committees should be required to hold elections in the first month of of the school year and should be required to meet not less than 8 times annually as long as no more than 40 days pass between each School Committee meeting.*

*In response to the numerous public recommendations that authority be given to School Committees to advise local educators as to budgetary matters, discipline of students, hiring of principals and teachers, development of local curriculum, the length of the school day and year but not as to the day-to-day decisions within the scope of the professional educator, School Committees should retain their present powers and should be granted the following additional powers:*

*(i)* *the School Committee and Regional Superintendent shall jointly select the school Principal from a short list of candidates provided to the School Committee by the Regional Superintendent;*

*(ii)* *the School Committee shall have input into the determination of required qualifications for the hiring of the vice-principal, teachers and para-professionals and shall have the right to view the qualifications of teachers on a shortlist for hiring;*

*(iii)* *the School Committee shall have input as to the allocation of funds to the operation and maintenance budget and to the capital budget of the school;*

*(iv)* *the School Committee shall make recommendations concerning school renovations;*

*(v)* *the School Committee shall make recommendations concerning any local modifications to the curriculum;*

*(vi)* *the School Committee and the principal shall, subject to joint-use agreements, determine the extra-curricular use to be made of the school facility by members of the community;*

*(vii)* *the School Committee shall have input into any decision made concerning the permanent closure of the school;*

*(viii)* *the School Committee and the principal may recommend to the Regional Superintendent that a vice-principal be hired;*

*(ix)* *the School Committee may request of the Regional Superintendent that he or she prepare an evaluation of the principal;*

*(x)* *the School Committee shall approve school rules and the school discipline policy;*

*(xi)* *the School Committee shall, in consultation with the principal, determine the disposition of the three non-instructional days and the two administrative days;*

*(xii)* *the School Committee shall approve the allocation of school days for extra-curricular activities;*

*(xiii)* *the School Committee shall approve curricular or extra-curricular field trips of more than one day's duration;*

*(xiv)* *the School Committee shall together with the principal determine the hours of pupil attendance and the duration of recesses or intermissions;*

*(xv)* *the School Committee may discuss with the principal the initiation and application of local educational policies;*

*(xvi)* *the School Committee may request the principal, a teacher or the Regional Superintendent to attend a School Committee meeting;*

*(xvii)* *the School Committee is entitled to receive reasonable clerical assistance; and,*

*(xviii)* *the School Committee may make recommendations to the Departmental Busing Committee for local adaptations to the busing policy.*

***(ii) The School Society Model:***

*The second level of local authority would be the School Society. The establishment of a School Society would be either an intermediate step towards the development of a School Board or it would be a goal in its own right for those communities that do not believe that the establishment of a local School Board would be appropriate to their circumstances. Upon formation of a School Society, no further School Committee would be elected at the school. With respect to the form and operation of a School Society, it is the recommendation of the Task Force that:*

*(a)* *a School Committee should be permitted to become a School Society upon application to the Minister as long as the School Committee had been in existence for the two years immediately preceding the application;*

*(b)* *School Society members should be elected annually;*

*(c)* *a School Society should be comprised of a minimum of 5 members; the School Society shall elect a Chairperson and a Secretary Treasurer from among its members;*

*(d)* *a School Society Chairperson should be permitted to serve only two consecutive terms as Chairperson;*

*(e)* *a School Society member shall not be permitted to sit on a School Committee, a School Board or another School Society while sitting as a School Society member;*

*(f)* *a School Society member should be paid an honorarium in an amount and in a fashion to be prescribed by regulation; and,*

*(g)* *the Department of Education should remain the employer of all professional and support staff at a school for which a School Society has been established;*

*A School Society should, in addition to the powers granted to a School Committee, be granted the following additional powers:*

*(i)* *the School Society shall prepare, allocate and monitor the budget for school operation, maintenance, and staffing; the Department of Education would, however, have final approval of the amount of the school budget;*

*(ii)* *the School Society shall select the school principal from a short list of candidates presented to it by the Department of Education;*

*(iii)* *the School Society shall determine the maintenance of and renovations to the school as per the budget allocation; the Department of Education would be responsible for the actual tenders and contract awards;*

*(iv)* *the School Society shall have input into the capital budget for the school;*

*(v)* *the School Society shall develop policies resulting from authority granted by the Education Act;*

(vi) the School Society shall determine how the school facility is to be used by members of the community after school hours; and,

(vii) the School Society may recommend the dismissal, transfer, or demotion of a teaching professional to the Regional Superintendent.

**(iii) The School Board Model:**

The third level of local authority would be the School Board. Although some support was voiced for the establishment of a Yukon-wide School Board, it is the conclusion of the Task Force that such a Board would not address the calls for decentralization of control over education. A Yukon-wide School Board would not be an acceptable form of School Board since it could be perceived as a distant body that did not reflect the concerns of those individuals who live in rural communities. Due to the fact that the majority of public school students in the Yukon live in Whitehorse, rural communities could perceive such a Board as being dominated by Whitehorse representatives and, therefore, unable to represent the interests of students in small communities. The establishment of a Yukon-wide School Board would also bring with it the expense of bringing all School Board members throughout the Territory together for meetings on a monthly basis. Therefore, the Task Force recommends that the decision as to whether a School Board should be established should be a decision that is made at the individual community level.

It should be noted that the present School Act allows for the creation of School Boards. It is hoped that the staged advancement from School Committee to School Society to School Board, with the resulting additional authority that accompanies each step, will ease the transition for those districts who desire such additional control.

Certain established criteria, such as a sufficient present and projected student population, would have to be met by those individuals in a community interested in the establishment of a School Board. As well, a School Society would have had to have been in existence in the community for at least 2 years before the initial step towards the establishment of a School Board could be taken. The initial step towards the implementation of a School Board would be a petition to the Minister of Education bearing the signatures of 25 taxpayers over the age of 19. This petition would request permission to hold a referendum in a community or in a group of communities to determine if there is sufficient support for the establishment of a local School Board. If the criteria established by regulation were met, the Minister would authorize the holding of a referendum in the applicant community or communities.

Upon success of the referendum, a School Board with a minimum of 7 members would be elected according to procedures prescribed by regulation under the new Education Act. The format and operation of a School Board, over and above required record keeping and report filing, would require that:

(a) the School Board elect a Chairperson from its members;

(b) a School Board member be permitted to sit on only one educational authority at a time;

(c) a School Board be funded by both government appropriations and by local school tax revenues; and,

(d) a School Board member be paid an honorariam.

*In addition to the authority granted to a School Society, the additional powers of a School Board would be as follows:*

*(i)* *the School Board shall hire a District Superintendent to oversee the schools within the School Board District and shall hire a Secretary-Treasurer;*

*(ii)* *the School Board shall be responsible for raising taxes to fund its programs; the School Board shall also receive funding from the Department of Education;*

*(iii)* *the School Board shall pay to the Department of Education the fees of any student taking correspondence courses within the School Board District;*

*(iv)* *the School Board may establish special education classes within the School District;*

*(v)* *the School Board shall furnish and equip the schools in the School District;*

*(vi)* *the School Board shall ensure that the core curriculum established by the Department of Education is followed;*

*(vii)* *the School Board shall approve any local modifications to the curriculum;*

*(viii)* *the School Board shall develop educational policies for the School District;*

*(ix)* *the School Board shall make regulations for the management of the schools within the School District;*

*(x)* *the School Board shall determine the use of school facilities within the School District;*

*(xi)* *the School Board may purchase or rent school premises or teachers' residences and shall ensure that any such premises are fit for the purpose for which they are purchased or rented;*

*(xii)* *the School Board may dismiss, transfer or demote a principal on the recommendation of the District Superintendent;*

*(xiii)* *the School Board shall hire and dismiss staff;*

*(xiv)* *the School Board shall hire the principal of a school within the School District;*

*(xv)* *the School Board may provide equipment and supplies for the noon lunch and such equipment and appliances for school sports and games as may be deemed desirable by the School Board;*

*(xvi)* *the School Board shall provide a suitable library for each school and make regulations for its management and use;*

*(xvii)* *the School Board shall provide from the list authorized by the Minister of Education all reference books required for the use of pupils and teachers in each school and all such apparatus as it is required for the proper instruction of pupils in each school;*

*(xviii)* *the School Board shall require that no text books or apparatus be used in a school other than those authorized by the Superintendent;*

*(xix)* *the School Board shall exempt, either in whole or in part, any indigent persons resident within the district from the payment of school taxes and where necessary provide the children of such persons with text books and other supplies at the expense of the district;*

*(xx) the School Board shall see that the school is conducted in accordance with the requirements of the Education Act;*

*(xxi) the School Board shall settle disputes arising between the school and parents or teachers;*

*(xxii) the School Board shall ensure that the provisions concerning compulsory education and truancy are observed.*

*Many of the powers assigned to the Superintendent of Public Schools under the School Act would be transferred to School Boards. Specifically, these powers would be:*

*(i) arrangement, in respect of School Board schools operated under the Act, for the examination and investigation of:*

*a) the progress of pupils in learning;*
*b) the order and discipline observed;*
*c) the system of instruction pursued;*
*d) the professional development of teachers;*
*e) the mode of keeping school records; and*
*f) the condition of the buildings and premises;*

*and with respect to these matters, the making of reports to the Commissioner;*

*(ii) the preparation and completion of reports from persons under the School Board's supervision;*

*(iii) granting of permission, on the application of the parent of a child who has attained the age of fourteen years, for a child to discontinue attendance at school where the child is not making or is not likely to make further progress in school and it is in the best interests of the child.*

*School Committees would be re-established in communities that decided to establish a School Board.*

**(iv) The Association of Yukon School Committees and School Societies.**

**Public Comments:**

A concern that was expressed in the communities was that the membership of the present Education Council, an advisory body to the Minister of Education, includes political appointees. It was recommended by many individuals that every member of the Education Council should be *elected* by School Committee members and that the existence and advisory role of the Education Council should be recognized by the Education Act.

***Task Force Recommendation:***

*The Task Force recommends that the Education Council be replaced by a body that is more accountable to School Committees and School Societies. Such a body would be known as the Association of Yukon School Committees and School Societies. This Association of elected School Committee and School Society members would advise the Minister of Education on issues of educational concern raised by School Committees and School Societies but would also act as the unifying representative body of School Committees and School Societies. The*

*membership of the Association would be composed of one member from each School Committee or School Society. From this membership, a 6 member directorate would be elected at the Annual General Meeting. The directorate of the Association would be required to meet at least once every two months and would be directly accountable to the membership.*

*The School Committees of schools governed by School Boards would not form part of this Association due to the fact that they would be closely linked to elected School Boards, the members of which are politically accountable to the electorate in the community and, therefore, perhaps more responsive to community educational concerns.*

**B. Election Procedures.**

***Task Force Recommendation:***

*It should be noted that, according to some members of the public, present election procedures under the School Act have not been strictly adhered to due to lack of information and supervision. Therefore, it is the recommendation of the Task Force that there should be increased supervision of elections in order to ensure that the elections are run according to correct procedure.*

*(i)* ***Election Procedures:*** *The new Education Act should include provisions that deal with: notices for elections; the time for elections; the appointment and qualifications of a returning officer; the manner of voting; the procedure for nominations; the qualifications of candidates; the qualifications of electors; vacancies; and, reporting of results. The election procedures in the new Education Act should be more consistent than the provisions found in the School Act. The qualifications of a candidate and an elector should be more consistent.*

*Nominations of candidates should be accepted from the floor and should also be accepted if received in writing by the returning officer prior to the election date. Provision must be made for the comparison of votes cast with the number of people who voted. Qualifications for the position of returning officer must be established. Standard documents and procedures must be used at School Committee, School Society and School Board elections. Election forms should include: a Notice of Election; a nomination paper; a statement of candidates; a numbered ballot paper; and, a statement of results to be signed by the returning officer. Returning officers must be appointed in order to ensure that elections are monitored to ensure that the results are accurate and that procedures are followed.*

*(ii)* ***Eligibility for Election:*** *In order to be elected to a School Committee, School Society or School Board, an individual must be: a Canadian citizen or landed immigrant; at least 19 years of age; a resident of the Yukon for at least 12 months immediately preceding the date of the election; and a parent of a child attending school or a resident of a school attendance area. However, neither employees nor students should be allowed to run for School Committee or School Society positions at the school at which they are employed or which they attend. As well, teachers and students should not be permitted to run for School Board positions.*

*(iii)* ***Eligibility to Vote:*** *In order to vote in a School Committee, School Society or School Board election, an individual must be: a Canadian citizen or landed immigrant; at least 19 years of age; a resident of the Yukon for at least 12 months immediately preceding the date of the election; and, a parent of a child attending school or a resident of a school attendance area.*

**C. The Role of The Department of Education.**

***Task Force Recommendation:***

*Under the framework outlined, the Department of Education would, in communities that established School Boards, retain certain responsibilities, such as the development of curriculum for the Yukon and the recruitment of teachers. As well, in communities that chose to retain their School Committees or chose to establish School Societies the Department of Education would play a major role in the operation, management and maintenance of such schools. In the case of schools operated by School Boards, the Department of Education would have the following continuing responsibilities:*

- ***(i)*** *the responsibility of recruiting teachers and principals for the Yukon Territory (the hiring of teachers and principals for schools under the direction of School Boards would be done by the School Boards);*
- ***(ii)*** *the determination of the overall curriculum to be taught in Yukon schools;*
- ***(iii)*** *the funding of School Boards with the exception of locally raised taxes; and,*
- ***(iv)*** *general supervision and administration of all schools with School Committees and School Societies and general supervision of those schools operated by School Boards.*

**D. A Native Education Centre: A Branch of the Department of Education.**

**Public Comments:**

The new Education Act must, it was commented, meet the goals and objectives of Native students as well as non-Native students. During the community hearings, it was stated that the education of Native students can be accomplished more effectively in the present system, if the specific educational needs of Native students, such as the use of appropriate teaching methodologies and access to increased Native curriculum, are effectively answered. The suggestion was made to the Task Force that Native education programs should be provided for in the Education Act. Such programs, it was suggested, should ensure: the instruction of local Native language on an accredited basis; local, territorial, and national cultural content in texts and materials; the incorporation of appropriate Native and Yukon lifestyles in the curriculum; and, teacher training in the subject of Native learning styles. A Native Education Centre, it was suggested, should be charged with the development of such programs and materials, with seeking input and advice from the Bands, and with providing information concerning educational rights and responsibilities to individuals and School Committees in Native communities.

***Task Force Recommendation:***

*In order to respond to the needs of Native students more effectively, it is recommended that a Native Education Centre should be established as a Branch of the Department of Education. The responsibilities of this Centre would be to:*

- ***(i)*** *aid in the development of Native language courses and Native curriculum;*
- ***(ii)*** *work with Band committees on education;*

*(iii)* *work with the Council for Yukon Indians but remain accountable to the Minister of Education;*

*(iv)* *educate Native individuals on the powers and responsibilities of representative school authorities, such as School Committees, School Societies and School Boards;*

*(v)* *encourage more Native people to become teachers and administrators; and,*

*(vi)* *establish training programs.*

*It is also recommended that adequate staff should be provided to such a Branch in order to ensure that it would have every opportunity of succeeding in its important role.*

**E. The Role of the Parent.**

**Public Comments:**

The comment was made numerous times that the Education Act should include a statement that recognizes the need for strong parental involvement in the education of children. Education, it was stated, is a shared responsibility of parents, students, teachers, and the government. Parents must accept the responsibility of parenting and the responsibility of ensuring that their children receive a good education and must involve themselves with their children's teachers in order to remedy any problems which these children may be having in school.

***Task Force Recommendation:***

*A list of the rights of a parent (and those of a custodial parent or guardian, subject to the provisions of the Divorce Act) should be incorporated into the new Education Act. These rights should include the following:*

*(i)* *the right to see a child's school record;*

*(ii)* *the right to view a child in his or her classroom situation;*

*(iii)* *the right to give or refuse consent to a child's placement in a special program; and,*

*(iv)* *the right to receive regular reports as to a child's performance in school.*

## PART VII. POWERS AND DUTIES OF OFFICIALS.

### A. The Commissioner/Minister.

***Task Force Recommendation:***

*The new Education Act should empower the Commissioner to establish separate Territorial schools, subject to certain criteria, at any place in the Territory. This provision would remove the present limitation that permits the creation of separate schools for children of the Roman Catholic faith alone. This change would allow for the establishment of other denominational schools or Native schools. By the deletion of the reference to Roman Catholic schools, the Task Force is by no means implying withdrawal of support for Roman Catholic schools in the Yukon but is acknowledging the rights of other faiths or cultures, should numbers warrant, to have a separate school established.*

*The Minister or Department of Education should retain the responsibility of determining basic teacher qualifications and of issuing Certificates of Qualification in order to ensure the fundamental educational goal of equal access for all Yukon children to a quality education.*

### B. The Superintendent of Public Schools.

**Public Comments:**

The only issue that was raised concerning the Superintendent of Public Schools was that such an official must be a professional educator.

***Task Force Recommendation:***

*In view of the institutional framework set out above, if a School Board is established, alternate provisions would be necessary in the new Education Act to address the division of powers between the Superintendent of Public Schools of the Department of Education, appointed by the Commissioner, and the School Board.*

*Specifically, the Superintendent of Public Schools would be responsible for the majority of matters of school operation, management and maintenance in all public schools in the Yukon not operated by School Boards. As well, the Superintendent of Public Schools would retain general superintendence over all matters pertaining to the education of all children in the Territory in areas such as curriculum and the hiring of teachers, other than those employed by School Boards, and would ensure that the provisions of the Education Act were carried out.*

*The new Education Act should indicate as well that a Superintendent of Public Schools must be a professional educator.*

*A Superintendent of Public Schools should be given the power to provide the option of alternative forms of education for children who have attained the age of at least 14 and whose parents have applied for permission for the child to discontinue attendance at school due to the child's lack of progress or due to their belief that it would be in the best interests of the child.*

*The present duties of the Superintendent should be retained in the new Act. They are as follows:*

*(i) general superintendence over all matters pertaining to the education of children in the Territory and ensuring that the provisions of the Act are carried out;*

*(ii)* *furnishing copies of the Act and Regulations to teachers and school committees;*

*(iii)* *supervision of all schools operated under the Act;*

*(iv)* *arrangement, in respect of schools operated under the Act, for the examination and investigation of:*

*a) the progress of pupils in learning;*
*b) the order and discipline observed;*
*c) the system of instruction pursued;*
*d) the professional development of teachers;*
*e) the mode of keeping school records; and*
*f) the condition of the buildings and premises;*

*and with respect to these matters, make reports to the Commissioner;*

*(v)* *preparation and submission of an annual report to the Commissioner respecting the administration of the Act;*

*(vi)* *issuance of Certificates of Qualifications to teachers and other persons to whom the Act applies;*

*(vii)* *performance of such other duties as may be assigned to the Superintendent by the Commissioner;*

*(viii)* *issuance of letters of permission for teaching pursuant to the regulations;*

*(ix)* *requirement of the preparation and completion of reports from persons under the Superintendent's supervision;*

*(x)* *designation of school attendance areas throughout the Territory; and*

*(xi)* *granting of permission, on the application of the parent of a child who has attained the age of fourteen years, for a child to discontinue attendance at school where the child is not making or is not likely to make further progress in school and it is in the best interests of the child.*

**C. The District Superintendent.**

***Task Force Recommendation:***

*The District Superintendent would be granted all of the powers of a Regional Superintendent, as listed below. As well, a District Superintendent would have other tasks such as advising the Board on staffing, budgeting and other matters delegated to him or her by the School Board. The Education Act should also state that a District Superintendent must be a professional educator.*

**D. The Regional Superintendent.**

***Task Force Recommendation:***

*The duties of the Regional Superintendent as set out in section 19 of the present School Act are as follows:*

*(i)* *assist the Superintendent in carrying out the provisions of the Act;*

*(ii)* *assist and advise School Committees in the performance of their duties under the Act;*

*(iii)* *furnish members of School Committees and teachers with information respecting the Act;*

*(iv)* *prepare a report on the operation of any school in his or her region as required by the Superintendent or as requested by a School Committee of a school;*

*(v)* *submit a copy of any report prepared at the request of a School Committee to the Superintendent;*

*(vi)* *make a written evaluation of the work of a teacher in his or her region who is on probationary appointment not less than once each year and each other teacher in his region not less than once in every three years;*

*(vii)* *make a written evaluation of the work of any teacher in the region with respect to whom the Superintendent or School Committee requests a report and any teacher in the region who, on or before the thirty-first day of March in that school year, requests that a report be made with respect to himself or herself;*

*(viii)* *submit any reports made by him or her to the Superintendent and send one copy to the teacher in respect of whom the report was made;*

*(ix)* *discuss with a School Committee any report made by him or her at the request of the School Committee;*

*(x)* *attend at least one meeting of each School Committee in his or her region in each school year;*

*(xi)* *investigate and report upon the conduct of any pupil when requested to do so by the Superintendent;*

*(xii)* *discuss with a School Committee alterations and additions to the physical facilities of the school;*

*(xiii)* *perform such other duties as may be assigned to him or her by the Superintendent;*

*(xiv)* *subject to any instructions of the Superintendent:*

*a) provide leadership in evaluating and improving the educational program in the region;*

*b) exercise general supervision over the schools in his or her region and visit them as frequently as possible but not less than twice in each school year;*

*c) assign teachers to their respective schools; and*

*(xv)* *discuss with the principal and the School Committee how funds allocated to the school may be spent and the initiation and application of local educational policies.*

*The powers of the Regional Superintendent listed above should be included in the Education Act and amended to include School Societies, subject to the following recommendations for change or enforcement.*

*(i)* *The Regional Superintendent under the School Act is required to assist and advise School Committees in the performance of their duties. However, the view has been expressed in the communities that this provision needs to be enforced in order to ensure that the School Committees receive in a timely fashion the help and information that they require.*

*(ii)* *The Regional Superintendent should be required by the Education Act to perform an in-depth evaluation of every permanent teacher once every three years, an in-depth evaluation of a probationary or temporary teacher once a year, and an in-depth evaluation of a principal once every two years.*

*(iii)* *The Regional Superintendent should be required to attend at least one meeting of each School Committee in his or her region in each school year. In addition, a Regional Superintendent should be required to attend additional School Committee meetings at the reasonable request of the School Committee.*

*(iv)* *The Regional Superintendent shall consult with the School Committee and the principal whenever possible, prior to assigning teachers to specific schools.*

*(v)* *The Regional Superintendent, on the recommendation of the principal and the School Committee, should have the authority to appoint a vice-principal subject to a demonstration of need by the principal and the School Committee.*

**E. The Principal.**

**Public Comments:**

Numerous suggestions concerning the duties of the principal were received during public consultation. A list of suggestions includes the following:

- to advise the Department of Education as to the desired qualifications of teachers to be hired for a particular school;
- to recommend the assignment or re-assignment of teachers;
- to clear all parental visits, made by appointment, to a teacher's classroom;
- to ensure attendance of teachers requested to attend a School Committee event;
- to fulfill a residency requirement in a community before being able to recommend teachers to be hired for the school;
- together with the School Committee, to communicate with the community;
- to decide, in consultation with the School Committee, whether school will open in cases of extreme cold or outbreak of disease.

***Task Force Recommendation:***

*The duties of the principal are set out primarily in sections 21 to 25 of the School Act. Subject to any instructions of the Superintendent or Regional Superintendent, a principal shall:*

*(i)* *have charge of the organization, administration, and supervision of the school including supervision over the classification and programming of pupils; the time-tables of teachers; the method of instruction and general discipline pursued*

*in all grades; the maintenance of school records; the conduct of pupils on school premises during curricular and extra-curricular activities sponsored or organized by the school; and the conduct of pupils during curricular and extra-curricular activities sponsored or organized by the school but conducted outside the school premises;*

***(ii)*** *have charge of the supervision and direction of all staff assigned to the school;*

***(iii)*** *have charge of the supervision and direction of all persons who volunteer to serve in the school without remuneration;*

***(iv)*** *in accordance with directions from the Superintendent or Regional Superintendent, once each year make a written evaluation of the work of each probationary teacher under his or her supervision and of the work of a teacher under his or her supervision in respect of whom the Superintendent or Regional Superintendent has requested an evaluation;*

***(v)*** *ensure that each teacher is in his or her classroom or on the school premises fifteen minutes immediately preceding the commencement of instruction in each school day;*

***(vi)*** *report promptly to the Regional Superintendent the apparent outbreak of any contagious and infectious disease in the school, or any insanitary condition of the school building or surroundings;*

***(vii)*** *ensure the proper care of school buildings, premises and equipment by all who use them;*

***(viii)*** *be responsible for keeping the school buildings and grounds clean and in a fit condition;*

***(ix)*** *report to the Regional Superintendent any repairs to the building or equipment which are required;*

***(x)*** *requisition all necessary materials, supplies and equipment for the school and arrange for their proper distribution;*

***(xi)*** *be responsible for and account for all materials, supplies and equipment provided for use in the school;*

***(xii)*** *maintain any records and complete any returns and forms required by the Superintendent;*

***(xiii)*** *notify the Superintendent of all absences of the staff of the school;*

***(xiv)*** *assign teaching duties to the teachers in the school;*

***(xv)*** *perform such teaching duties as may be required of him or her in the school;*

***(xvi)*** *designate another teacher, if there is no vice-principal, to act as principal in his or her absence;*

***(xvii)*** *perform such other duties as may be required of him or her by the Superintendent or Regional Superintendent.*

*As well, section 22 of the School Act permits a principal to make rules not inconsistent with the Act governing the conduct of the staff and pupils. Where there is a School Committee, a principal shall consult with the School Committee prior to making rules governing the conduct of pupils. Section 25 allows a principal, in accordance with the regulations, to administer punishment to pupils.*

*These provisions that outline the duties of principals should form part of the Education Act, subject to the recommendations for change noted below.*

*(i)* *The principal of a school should also be given the specific power to direct all persons, inclusive of teachers and staff, who work on the school premises. An example of an individual who is not a staff member but who works on the school premises and who would be directed by the principal is the Community Education Liason Co-ordinator who is paid by the Band and not by the Department of Education.*

*(ii)* *A principal should be required to prepare annual written evaluations of the work of all teachers under his or her supervision in a format that outlines each teacher's abilities and strengths and areas where improvement is needed.*

*(iii)* *A principal should also be required to report any dangerous condition in the school, in addition to any contagious or infectious disease or insanitary condition found in the school, to the appropriate authority, either the Regional Superintendent or the District Superintendent.*

**F. The Vice-Principal.**

**Public Comments:**

There was no consensus on whether vice-principals should be involved in the evaluation of teachers. However, it was agreed that the vice-principal could act as a resource person with whom the principal could discuss an evaluation. As well, the vice-principal could act as a support person for the classroom teacher.

***Task Force Recommendation:***

*It is recommended that the vice-principal should carry out such duties as are assigned to him or her by the principal and should carry out the duties of the principal in the absence of the principal. A vice-principal should, wherever possible, aid the principal in performing teacher evaluations.*

**G. The Teacher.**

**Public Comments:**

A significant concern of many individuals was that of the duty of teachers to report suspected cases of child abuse. The majority of individuals who expressed an opinion on this matter stated that great care should be taken when reporting suspected cases of child abuse but that teachers should be obliged by the Education Act to report such cases to the principal and then to the Department of Health and Human Resources. It was also felt that the identity of a teacher must be protected in order to ensure that reports are made by teachers without the worry of retribution.

***Task Force Recommendation:***

*The major duties of a teacher, as outlined in section 72 of the present School Act, are as follows:*

- ***(i)*** *encourage pupils in the pursuit of learning and teach them diligently and faithfully;*
- ***(ii)*** *report on progress and attendance of pupils to parents;*
- ***(iii)*** *maintain order and discipline, as required by the principal, while on duty in the school, playground, or at school functions;*
- ***(iv)*** *keep registers and attendance records;*
- ***(v)*** *maintain records and complete returns and forms;*
- ***(vi)*** *observe the rules of the school;*
- ***(vii)*** *notify the principal of his or her absence from the school and the reason therefor;*
- ***(viii)*** *report promptly to the principal any apparent outbreak of a contagious or infectious disease or insanitary condition in or around the school;*
- ***(ix)*** *admit a parent to the classroom to observe the tuition of his or her child;*
- ***(x)*** *admit student teachers to the classroom to observe and to practice teaching; and*
- ***(xi)*** *perform such other related duties as may be required by the principal.*

*The duties of teachers presently established in legislation should be included in the new Education Act, subject to the changes noted below.*

*The Education Act should oblige teachers to report any suspected case of child abuse. Suspected cases of abuse would be reported by the teacher to the principal who would then report the matter to the Department of Health and Human Resources for its immediate attention. It is essential that the Education Act ensure the confidentiality of such reports made by teachers. As well, the Department of Health and Human Resources should be required to update and provide information to a teacher and principal who have reported a child abuse situation. Teachers work with a child 5 hours a day and they need to know if the child will be returning to school and whether the child has been apprehended so that they will know how to deal with the child. Teachers should not be liable to prosecution for reporting suspected cases of abuse unless such reports are made maliciously.*

*A teacher should also be required to report any dangerous condition in the school in addition to any contagious or infectious disease or any insanitary condition.*

*A teacher should be required to admit a parent of a student to his or her classroom for the purpose of observing the instruction of his or her child only after prior arrangements with the Principal have been made.*

*The duties of a teacher should require a teacher to perform such other related duties as may reasonably be required by his or her principal.*

*A teacher should be entitled to examine and obtain copies of any record maintained or retained in respect of him or her by the Superintendent or the Director of Personnel.*

**H. Paraprofessionals.**

***Task Force Recommendation:***

*Paraprofessionals are a valuable part of the education system in the Yukon. The Superintendent or a School Board should be given the power to appoint, on consultation with a School Committee, individuals such as kindergarten/teacher aides, remedial tutors, library aides, and other paraprofessionals to work in the school. The qualifications and duties of these individuals should be prescribed by regulation. The Superintendent or a School Board should consult the appropriate Band and School Committee, as well as the Director of Native Languages, when appointing Native language instructors.*

## PART VIII. EMPLOYEE MANAGEMENT.

### A. Teacher Qualifications.

**Public Comments:**

The public comment on teacher qualifications supported the present provisions of the School Act. Presently, every teacher is required to hold a valid subsisting Certificate of Qualification before he or she is permitted to teach in the Yukon. Such Certificates of Qualification are obtained in many cases from other provincial jurisdictions. The comment was made that teachers should not be asked to teach subjects or grades for which they have received little or no training.

***Task Force Recommendation:***

*It is the recommendation of the Task Force that the current provisions concerning the determination of teaching qualifications, as set out in the present School Act, form part of the new Education Act.*

### B. Temporary Teachers.

**Public Comments:**

Temporary teachers, in the opinion of those who commented, should be treated in the same manner as permanent teachers. It was also suggested that temporary teachers should be evaluated once a year. Presently a teacher may work for a number of years as a temporary teacher. When such a teacher is offered a permanent position, a probation period of two years must be served and no credit given for the time spent as a temporary teacher, even if satisfactory performance evaluations were received. The consensus on this issue was that if a temporary teacher is offered a permanent teaching appointment, some or all of the time which such a teacher spent as a satisfactory temporary teacher should be counted towards the teacher's two years of probation.

***Task Force Recommendation:***

*The new Education Act should, by way of regulation, credit temporary teachers, upon permanent assignment, for their temporary experience, if they performed satisfactorily during their temporary status. If a teacher has been in a temporary position in the Yukon for the two years immediately preceding a permanent teaching appointment, this time should be credited towards the probation period of two years, if the individual's performance evaluations were satisfactory.*

### C. Probationary Periods.

**Public Comments:**

The probationary period for teachers, it was commented, should remain at two years. However, it was also suggested that after two years of probation, the Department of Education or a School Board should have the option to extend a teacher's probation for an additional year, if it is

deemed necessary and appropriate. A minority view was that both the concepts of probation and tenure should be abolished and that continued employment as a teacher should be based on the individual's merit as a teacher.

***Task Force Recommendation:***

*It is the recommendation of the Task Force that subsection 78(1) of the School Act form part of the new Education Act. Specifically, subsection 78(1) requires a permanent teacher employed pursuant to the School Act to serve two years of probation from the date of commencement of his or her employment. It is the further recommendation of the Task Force that a teacher on probation whose employment has been terminated for just cause should not be paid his or her moving expenses to return to his or her point of hire. A teacher on probation whose employment was terminated for other than just cause, however, should be allowed his or her reasonable moving costs to return to his or her point of hire.*

**D. Evaluation of Teachers and Principals.**

**Public Comments:**

The major public concern was that evaluations of teachers should be performed regularly by the Superintendent or a qualified assistant. The status quo would be acceptable, it was commented, if evaluations were done as often as the School Act requires them to be done. It was suggested that either the Regional Superintendents and principals should evaluate teachers or the Regional Superintendents should evaluate principals and principals should evaluate teachers. There was some suggestion that specialist teachers, in some cases, should be hired to evaluate teachers, as a principal may not be qualified to evaluate a teacher who teaches a second language or physics, for example. Such evaluations should occur, it was suggested, either every year or once every three years. Evaluations of teachers, it was commented, should stress successful teaching methods and should provide assistance to teachers. A teacher should be given prior notice that an evaluation will occur during the school year but should not be told when the evaluation will take place. A record of a teacher's completion of in-service courses and professional development days should be added to a teacher's file. A copy of any document which is added to a teacher's file should be provided to the teacher *before* the document forms a permanent part of the file.

***Task Force Recommendation:***

*There is a need for the enforcement of teacher evaluation provisions in education legislation. Furthermore, the Regional Superintendent or District Superintendent, as the case may be, should be required to perform an indepth evaluation of a teacher once every three years. Such an indepth evaluation would require viewing the teacher in a teaching situation on more than one occasion. In addition, it is recommended that the supervising Principal of every teacher should be required to complete yearly teacher evaluations in a format similar to that used for the evaluation of all employees of the Yukon Territorial Government which format outlines ones abilities and areas where improvement is needed. Such a form should be developed by the Department of Education with comments solicited from the School Committees, School Societies, the Yukon Teachers' Association, and other education interest groups. Where possible, a vice-principal should be empowered to assist a principal in the evaluation of teachers. Professionals in specific fields could be called in at the request of either a teacher or a principal for consultation where the principal and vice-principal lack specific expertise in the area of evaluation concerned. It is the further recommendation of the Task Force that the Education Act should require probationary and temporary teachers to be evaluated every year. All evaluations should be required to be signed and dated by the person evaluated.*

*The Regional Superintendent should evaluate the principal of every school in his or her district every two years.*

**E. Suspension of a Teacher.**

**Public Comments:**

It was felt by many of those individuals who commented that the present policy in the Department of Education that suspends a teacher without pay as a result of criminal charges laid against him or her is contrary to the right of the individual to be considered innocent until proven guilty. The suggestion was made, by those who do not support the status quo, that new education legislation should provide that a teacher who has been charged with a criminal offence that could negatively affect his or her ability to teach should be assigned to other non-teaching duties within the Department of Education or, upon mutual agreement, should be suspended *with* pay.

***Task Force Recommendation:***

*The present provisions of the School Act, sections 80 to 89 inclusive, regarding suspension of teachers, should be retained in a new Education Act. In addition, a School Society should be given the power to recommend the suspension of a teacher to the Regional Superintendent responsible for the school. As well, a District Superintendent should be empowered in the same manner as is a Regional Superintendent to recommend the suspension of a teacher to the School Board.*

**F. Dismissal of Principals and Teachers.**

**Public Comments:**

The majority of individuals who commented on this issue stated that the present system should be retained. Presently, a Regional Superintendent may suspend a teacher with a recommendation to the Superintendent of Public Schools that the teacher be dismissed, for reasons such as misconduct, neglect of duties or unsatisfactory performance.

***Task Force Recommendation:***

*With respect to the dismissal of a principal or a teacher, in view of the framework for local control outlined above, the following provisions should be included in a new Education Act:*

*(i)* *a School Board should be empowered to dismiss, demote or transfer a principal for just cause, as defined in the Act, on the recommendation of the District Superintendent, and be empowered to dismiss or transfer a teacher on the recommendation of the District Superintendent;*

*(ii)* *a School Society should be granted the power to recommend the dismissal, demotion or transfer of a principal or the dismissal or transfer of a teacher to the Regional Superintendent whereupon the Regional Superintendent and the Superintendent could investigate the request; and,*

*(iii)* *a School Committee should be empowered to request an evaluation of the operation of a school and an evaluation of a teacher.*

**G. Resignation.**

**Public Comments:**

It was proposed that the latest dates for the submission of a notice of resignation by a teacher should be April 30 or May 15.

***Task Force Recommendation:***

*The date by which a teacher must submit a notice of his or her resignation should be changed to sixty days before the end of the school year, in view of the recommendation that communities determine the opening and closing date of the local school year. The decision to adjust the opening and closing date of the school year on a community by community basis may result in difficulties in recruiting teachers and principals. The officials in the Department of Education who are responsible for recruiting teachers and hiring replacements should be required to commence recruitment as soon as a notice of resignation has been received and should fill the position as soon as possible.*

**H. Retirement.**

***Task Force Recommendation:***

*It is the recommendation of the Task Force that section 95 of the School Act, which states that no teacher shall be engaged or regularly employed in any school in the Territory beyond the end of the school year during which he or she attains the prescribed obligatory retirement age, should be abolished. In view of the provisions of the Charter of Rights and Freedoms, age-based discrimination in legislation must be examined and eliminated if the limitation could not be argued to fall within the reasonable limits provision of the Charter.*

**I. Lay Offs.**

**Public Comments:**

It was commented that the present lay off system works but that teachers should be given 90 days notice of lay off as opposed to the minimum of 60 days notice which the School Act presently requires. Presently, teachers are laid off at the end of a school year due to a decrease in the enrollment of pupils; a closure of a school, classroom or instructional department and discontinuance of instruction; or a discontinuance of an instructional programme. Contrary to the recommendation that the status quo be maintained, it was commented that the lay off of teachers should occur on the basis of experience *and* merit and not on the basis of merit alone as the present Act provides.

***Task Force Recommendation:***

*Where lay offs are necessary, the Superintendent or a School Board should be required to establish a priority list of teachers on the basis of "their experience paired with merit". Those teachers who have the least experience combined with the least merit should be the first teachers to be laid off. It is the opinion of the Task Force that the Department of Education and the Yukon Teachers' Association would be the parties best qualified to define the term "merit". As well, it is the recommendation of the Task Force that teachers who have been laid off should be rehired on the basis of experience and merit.*

**J. Involvement in Political Office:**

**Public Comments:**

The majority of those individuals who expressed an opinion on this topic was in favour of a teacher being required to take a leave of absence *without pay* after he or she was elected. Other individuals thought that a teacher should seek a leave of absence either when seeking a nomination or after having been nominated by the party for which he or she will serve as a candidate.

***Task Force Recommendation:***

*A teacher should be required to seek a leave of absence without pay when he or she is nominated as the candidate for a political party in either a Territorial or Federal election or when he or she files nomination papers as an independent candidate, and must resign a teaching position upon election. However, if a candidate is required to travel extensively in pursuit of a party's nomination, the teacher should take a leave of absence without pay upon the filing of nomination papers. It is the opinion of the Task Force that a teacher who would be obliged to spend over a month travelling throughout the Territory seeking the party nomination would not be able to dedicate his or her best efforts to teaching.*

**K. Hiring of Senior Education Officials.**

***Task Force Recommendation:***

*An Association of Yukon School Committees and School Societies representative, a representative from the Council for Yukon Indians, and a representative from all School Boards should take part in the interviews of candidates for the position of Superintendent of Public Schools and should make recommendations as to the selection of a candidate for the position.*

*A representative of the Association of Yukon School Committees and School Societies and a representative of the Council for Yukon Indians should take part in both the interviews of candidates for the position of Regional Superintendent and in the hiring decision-making process.*

*A School Board alone should be responsible for hiring a District Superintendent.*

## PART IX. POLICY MATTERS.

*The issues considered under this heading should be addressed by either the development of effective regulations or by the development of policies but should not be specifically mentioned or provided for in the Education Act. Provisions which address these matters are susceptible to regular change while the legislation is not.*

### A. Class Size and Split Classes.

**Public Comments:**

A major concern of many parents in the Yukon is the student/teacher ratio. A lower student/teacher ratio was requested by the vast majority of individuals. The formula for determining the number of teachers required in a school, it was suggested, should be based on the needs of the students in each grade, taking into account the number of children with special needs in each class. It was suggested as well that the rural staffing formula should be changed so that more teachers are available. The formula should be based on the number of grades taught at a rural school and not on the number of students. The problem identified by many individuals is that there is no plan to add more teachers to the Yukon public school system. The answer that these individuals propose is for the Department of Education to spend less on capital projects and more on hiring teachers. Specifically, more teachers are needed in the primary grades. Smaller classes will lead to elementary age children receiving more individualized attention at a time when such attention is very important.

Specific suggestions were as follows:

- kindergarten and Grade 1 classes should never be taught together;
- there should be no split classes between kindergarten and Grade 3 or 4; students in these grades need as much individual help as possible while learning the basics;
- kindergarten and Grade 1 classes should always have smaller student/teacher ratios than other Grades;
- the maximum ratio of students to teachers should range from 10:1 to 20:1;
- the maximum number of grades that should be taught together is two as a teacher's attentions are divided in too many directions when he or she is dealing with students at numerous different levels of development and, as a result, the student's learning suffers; it is easier to teach more students of the same grade in one classroom than it is to teach a smaller number of students in the same classroom who are in two or three different grades.

***Task Force Recommendation:***

*Due to the fact that so many people expressed the concern that class sizes are too large and should be decreased, it is the recommendation of the Task Force that a reasonable maximum number of students in any class be established. The Task Force will not advise the Department of Education as to the optimal class size but recommends that the size of any class should be determined after consideration of the kinds of special needs required to be met and after consideration of the number of special needs students in a particular class. As well, the Task Force recommends that split grades should have a lower student/teacher ratio. Split classes will never be avoided in the Yukon due to the reality of limited financial resources and due to the enrollment in schools in small rural communities, such as Beaver Creek.*

**B. Promotion of Students.**

**Public Comments:**

The suggestion of the majority of individuals was that students should *not* be continually passed from grade to grade without having a firm understanding of the basics taught in the previous grade. A policy of social promotion without emphasis on a student's skills will contribute to a situation in which the student becomes more and more unable to do the assigned work. A policy of student promotion, it was suggested, should be a policy of *true continuous progress* rather than a policy of continuous promotion. As well, it was suggested that diagnosis of learning problems should occur as soon as possible after a student has entered school in order to ensure that a policy of social promotion is not abused and in order to ensure that a student's inability to keep up is dealt with quickly and effectively.

***Task Force Recommendation:***

*An appropriate policy directive concerning student promotion that is consistent with the policy on special education should be developed by the Department of Education and given to all teachers and School Committee members. The Department of Education should establish uniform skill and achievement standards as a guideline for promotion. A child should be promoted:*

*(i) where the student has achieved skill development and ability appropriate for promotion:*

*(ii) where the benefits to be gained by repeating a grade are outweighed by the negative social impact on the student; or*

*(iii) where a child has already repeated the grade.*

*The improvement of special education services to diagnose and aid students with learning problems is just as important as instituting a promotion policy based on skill attainment. These two elements will help to ensure that the inappropriate promotion of students is avoided. There should be a diagnostic system available to students so as to provide early identification of learning disabilities. More help is required for students with learning disabilities, especially at the primary level. One must also consider the impact on the classroom teacher of the promotion of students who do not have the necessary skills from the previous grade. Such a teacher is effectively asked to teach more than one grade and must spend time reteaching students the skills which they should have learned in previous grades. A policy of promotion does, however, have to take into consideration the physical and social development of a student as well as the student's self esteem. Therefore, under no circumstances should a student remain in a grade longer than one additional year.*

**C. Teacher Training.**

**Public Comments:**

There is a need, it was stated, to set up a program in the Yukon to train people interested in teaching in the North so as to ensure that more Yukoners become teachers or tutors or para-professionals. It was felt that such a program might encourage more Native people to enter the teaching profession.

It was commented that there is an onus on teachers to upgrade their skills. However, the Department of Education should provide incentives to encourage teachers to upgrade their

skills in areas such as special needs. As well, it was commented that there is a need for more in-service courses, for teachers and remedial tutors, that deal with the instruction of special needs students.

***Task Force Recommendation:***

*The Department of Education should work in conjunction with Yukon College and the Council for Yukon Indians to establish a teacher training program, similar to the former Yukon Teacher Education Program, which could provide appropriate training for Yukon teachers by including programs such as Early Yukon Cultures, Alternate Learning Styles, and Counselling Skills. A major goal of such a program should be the encouragement of more Native people to take part in the program.*

**D. Cross-cultural Training.**

**Public Comments:**

The majority of those expressing opinions on this issue felt that all prospective Yukon teachers should be required to visit the community in which they will be teaching and receive a two day orientation on the lifestyle of the community and the children which he or she will be teaching. This requirement, it was suggested, would also include those teachers who have taught in the Yukon but who have not taught in the particular community to which they have been transferred or assigned. The content of cross-cultural training courses will differ according to the community. As well, it was suggested that all Yukon teachers should receive cross-cultural training on a regular in-service basis.

***Task Force Recommendation:***

*Teachers and administrators who lack cross-cultural education courses should be required to achieve cross-cultural qualifications in a manner established by the Department of Education. The Task Force recognizes that the inherent problem in this recommendation is the requirement that individuals upgrade their skills. However, the receipt of cross-cultural training by teachers is fundamental to the delivery of a quality education to all students in the Yukon Territory.*

*Supplemental to mandatory cross-cultural course work, teacher orientation should be offered locally, and preferably by Indian Bands and School Committees/Societies in conjunction with the Native Centre of the Department of Education. There is also a need for research on Indian learning styles and cross-cultural teaching strategies in order to achieve effective cross-cultural education.*

**E. Rural High Schools.**

**Public Comments:**

The majority of individuals who commented on this issue stated that high schools to the Grade 12 level with services equal to high schools in urban communities should be available in every community and that students should be encouraged to stay in their home community. The possibility of completing all grades in ones own community would allow a student to develop self-confidence. The worry of having to leave home at the age of 16 to attend school in a distant community among many different students would be lifted. After completion of Grade 12 in their community high school, the next step to post-secondary education would be a more

realistic option for students. The suggestion was also made that the parents of a student should have the option of sending their child to high school in their home community or to high school in Whitehorse. A student who decides to attend school in Whitehorse should, it was commented, have the option of transferring to his or her former community high school without losing a year in the process. The loss of school years does occur as a result of a conflicting semester system in Whitehorse and year long courses in the rural communities. Some individuals commented that rural high schools are an acceptable option only if rural students receive the same level of education and the same number of course options as they would receive at a high school in Whitehorse.

Numerous comments and requests were heard from parents as to the need for more rural high schools. However, the number of students who would be served by a rural high school remains the decisive factor in determining whether or not a proposal for a complete high school facility would be economically justified. This kind of decision would have to be made on the basis of demonstrable need based on both the present and projected numbers of students in each grade and by the available funds.

***Task Force Recommendation:***

*There are valid arguments for and against the provision of complete high schools in each rural community. It is expensive to operate and staff such schools. Increased capital costs and operation and maintenance expenditures could effectively dilute the "education dollar" and result in a weakened Grade 12 education for Yukon students. However, it is recognized that students generally experience greater success in high school if they have access to all of the high school grades in their home community. The maintenance of rural high schools is made more difficult by the fact that many rural parents send their children to school in Whitehorse even though Grade 12 is available in their community. This practice will continue to affect rural high schools adversely since from one year to the next there is no certainty that a particular grade will be offered. The expense of providing such schools is significant and perhaps should only be invested in communities where there is a projection that the number of students will remain constant. The provision of funds to establish a high school, it is recommended, should be based on sufficient present and projected numbers of students to be served in order to justify, among other expenditures, the hiring of the number of teachers required to offer a quality Grade 12 education.*

**F. Student Orientation/Support Services/Counselling.**

**Public Comments:**

The student orientation options that were suggested ranged from sessions of two days to two weeks in length. Regardless of the length of the orientation option, there was a solid recommendation that such orientation is needed by rural students who leave their homes to attend high school in Whitehorse. It was also suggested that orientation should take place both in the home community, in order to prepare students for the changes that they will experience, and in Whitehorse as well. Such orientation procedures, it was commented, would contribute greatly to the alleviation of stress from rural students. More frequent opportunities for students to visit other communities during their school years, it was suggested, would decrease the difficulties which rural students have in adjusting to attending school in Whitehorse.

The need for more trained social and career counsellors in the schools from kindergarten to Grade 12 was expressed by both urban and rural residents. A counselling option that was suggested, if full-time counsellors could not be hired, was that of hiring counsellors who would visit assigned schools on a regular basis. Such counsellors, it was stated, are needed to aid students with drug and alcohol abuse problems and with social and career concerns. It was stated that students have a definite need for more diverse information concerning career

choices. Students, it was suggested, should be approached by the career counsellor who would be responsible for broadening the views of students as to possible career options.

***Task Force Recommendation:***

*There is a need for counsellors to help students deal with serious alcohol and drug dependencies and social problems. As well, there is a need for more academic and career counselling. Counselling services should be provided to students in rural communities who do not have access to a counsellor on staff. The suggestion that a visiting counsellor could provide services to students in rural schools might be an appropriate answer, as long as such services are delivered regularly and effectively.*

*There is a also a need for rural students to receive social and cultural orientation prior to transferring to high school in Whitehorse. Rural students must be informed of what to expect in their new high school and in the city where they will be living for the greater part of the year. In large schools, such as F.H. Collins High School, the counsellor/student ratio must be lowered to provide adequate services to students. Counselling services should be increased to meet the needs of rural students who may be experiencing difficulties in adjusting to their new surroundings.*

*There is also a need for increased and improved student support services, such as tutoring, at the earliest possible grade level.*

**G. Transportation of Students.**

**Public Comments:**

In rural communities, it was suggested that the circumstances of each community must be looked at individually when determining which children will be transported to and from school by school bus. Busing, it was commented, should be a local decision since distances to school and possible dangers to students on their way to school vary on a community by community basis.

There were many suggestions regarding appropriate eligibility criteria for bus transportation to and from school. These criteria include: temperature; distance which the student lives from school; possible danger to a student presented by his or her route to school, such as walking on or crossing a highway; amount of natural light; the age of the child; as well as any mental or physical handicaps.

The question of the amount of the subsidy which parents who transport their children to school should receive was also raised. Suggestions as to the amount of a transportation subsidy varied from *some* to *all* transportation costs.

The suggestion was made that, where space permits, adult education students should also be allowed to be transported to school on school buses used primarily by public school students.

The issue of the amount of insurance which a private individual should be required to carry in order to transport children to a school event was also raised. Suggestions as to the amount of liability insurance which a private driver must carry before being allowed to transport school children varied from $1,000,000. to $10,000,000. The suggestion was made that the Department of Education should subsidize a parent or a school staff member who transports children to school events by paying the difference in premium costs between the amount of insurance that the parent or staff member carries and the amount that is required by regulation. The concern was expressed that students might have their access to extra-curricular events severely limited if parents were required to pay significantly higher insurance premiums in order to transport students to school events.

All individuals agreed that school buses should be outfitted with seat belts and that their use should be mandatory. As well, it was suggested that private busing contractors should be required to submit affidavits of mechanical soundness, copies of operator's licences, and proofs of sufficient insurance to the Department of Education before students are allowed to be transported to school on vehicles operated by the contractor.

***Task Force Recommendation:***

*A departmental Busing Committee exists and has been meeting for over a year in order to establish busing regulations that address many of the concerns that were raised by individuals throughout the Yukon. This committee is in the final stages of developing these regulations. The Task Force recommends that the Busing Committee should continue as a permanent body. This committee should deal with issues and concerns raised in the community so that they can be dealt with as they arise by an experienced and informed group of individuals. The Task Force also recommends that the issue of transportation to extracurricular activities and the transport of children in rural communities especially, are issues that require this committee's careful and immediate attention. This issue should be resolved either by requiring acceptable yet affordable insurance coverage for private vehicles used to transport students or by making more buses or vans available to students in rural communities. Parents should not be expected to transport students if in the event of an accident they might face financial ruin due to insufficient insurance.*

**H. School-Parent-Community Relations.**

**Public Comments:**

It was suggested by some parents that parents and teachers need to discuss a student's problems on a more regular basis. Problem resolution workshops for parents and teachers were suggested as a way to increase parental involvement in education. Parents are concerned that any request or complaint made to a teacher as to how a child is being treated, should be addressed by the teacher as soon as possible. It was also suggested that attendance at parent-teacher meetings by Native parents might be greater if such meetings were held in the Band hall, where Native parents would feel more comfortable.

***Task Force Recommendation:***

*The principal should work to encourage more parental involvement in the school. School Committees, School Societies and School Boards have a similar role to play. The need for this kind of co-operation and information sharing has been highlighted by many comments made in the communities. The principal should work with the School Committee or School Society in order to ensure that parents are informed of their rights under education legislation and the manner in which they can become more involved in their childrens' education.*

*As well, School Committees, School Societies and School Boards should ensure that parents know which meetings of these bodies are open to all parents and should encourage attendance at these meetings.*

**I. Lunch Hour Supervision of Students.**

**Public Comments:**

The suggestion was made by some parents that lunch hour supervision of students should be a duty of teachers described in the Education Act. However, other individuals felt that lunch hour supervision is either a duty of parents or the duty of a hired supervisor. It was suggested that the principal and the school committee should decide who will supervise lunch hours.

***Task Force Recommendation:***

*This kind of responsibility, in some schools, comes with the job of being a teacher. However, the School Committee, in consultation with the principal, should have the power to recommend a funded lunch hour supervision program so that a supervisor can be hired to fulfill this specific task alone. School Societies and School Boards could allocate funds as they see fit to budget for a paid supervisor for such a program.*

**J. Designated Attendance Areas.**

**Public Comments:**

In Whitehorse the issue was raised as to whether a student should be restricted to attendance at the school within his or her specific residential area.

***Task Force Recommendation:***

*Parents have some degree of choice in selecting the school which their child will attend. If a specific program is not available to ones child at the school in ones designated area, then a parent is able to seek enrollment of a child in a school with the desired program. Designated attendance areas, however, should be the rule. The Superintendent should be allowed to determine which students, such as those who want to take core French which is not offered at the student's designated school, should be considered as exceptions to this rule. Such students should be provided with transportation to their schools in other attendance areas, if space permits. As early notice as possible should be provided to the school administrator if a parent is considering placing a child in a school outside the child's designated attendance area.*